

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

GIBSON BRANDS, INC.,

Plaintiff/Counterclaim-Defendant,

v.

ARMADILLO DISTRIBUTION
ENTERPRISES, INC.; CONCORDIA
INVESTMENT PARTNERS, LLC,

Defendants/Counterclaim-Plaintiffs,

DOES 1 through 10,

Defendants.

Case No. 4:19-cv-00358-ALM

**UNOPPOSED MOTION TO SEAL ARMADILLO'S MOTION TO STRIKE THE
UNSWORN DECLARATION OF BASIL IMBURGIA**

Comes now Armadillo Distribution Enterprises, Inc. ("Armadillo"), by and through its attorneys of record, and files this Unopposed Motion to Seal Armadillo's Motion to Strike the Unsworn Declaration of Basil Imburgia. In support of this motion to seal, Armadillo states as follows:

This is a trademark case involving highly confidential information to Defendants Armadillo Distribution Enterprises, Inc. and Concordia Investment Partners, LLC and Plaintiff Gibson Brands, Inc., as well as a number of third parties. To address this issue, the parties agreed to, and the Court entered, a protective order limiting the disclosure of certain confidential information [Dkt. #52]. As set forth in the parties' protective order, information marked "Highly Confidential Outside Attorneys' Eyes Only" includes "trade secrets within the meaning of the Defend Trade Secrets Act and all information and materials that the disclosing party has reasonable grounds to believe would, if known

to any officer, director, employee, or agent of a receiving party, or to the public, lead to significant harm or injury to the reputation and/or business of the disclosing party or provide improper advantage to others” [Dkt. #52 at ¶ 2].

Gibson’s pleading, along with the unsworn declaration that Armadillo is challenging in its motion to strike, was filed under seal and it contains and discusses confidential trademark information. The materials discussed in the declaration and attached thereto are designated “Highly Confidential – Attorney’s Eyes Only” and discuss widespread third-party uses of identical and similar shapes in the United States (including, where available, sales information for the third-party guitar models). The information included in the third-party declarations and exhibits is sensitive, trade secret information that is not publicly available. While relevant to the issues before the Court, if this information were to be disclosed to the public it could lead to significant harm or injury to the business of the parties and various third parties and could give others an improper competitive or business advantage. Plaintiff Gibson Brands, Inc. is unopposed to the relief requested in this motion to seal.

Accordingly, Armadillo respectfully requests that the Court grant this motion and permit Armadillo’s Motion to Strike the Unsworn Declaration of Basil Imburgia to be sealed pursuant to the Court’s protective order.

Dated: February 2, 2021

Respectfully submitted,

/s/ Anna Naydonov

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Attorneys for Armadillo Distribution Enterprises, Inc.

CERTIFICATE OF CONFERENCE

I, the undersigned, hereby certify that on the 29th day of January, 2021, counsel for Armadillo conferred with counsel for Plaintiff Gibson Brands, Inc., who indicated that Plaintiff was unopposed to the relief requested herein.

/s/ Emileigh S. Hubbard
Emileigh S. Hubbard

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the 2nd day of February, 2021, a copy of the foregoing document was served on all counsel of record via this Court's CM/ECF electronic filing system.

/s/ Emileigh S. Hubbard
Emileigh S. Hubbard